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6 **Attorneys for Plaintiffs, ASIS INTERNET SERVICES**
and **JOEL HOUSEHOLTER, dba KNEELAND**
7 **ENGINEERING, dba FOGGY.NET**

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 **ASIS INTERNET SERVICES, a California**
11 **corporation, and JOEL HOUSEHOLTER, dba**
12 **KNEELAND ENGINEERING, dba FOGGY.NET**

13 **Plaintiff,**
vs.

14 **RICHARD RAUSCH, MARK THEIS, AND**
15 **KIRK WHITING, individually and fictitiously**
16 **doing business as FIND A QUOTE, and**
DOES ONE through FIFTY, inclusive,

17 **Defendants.**

Case No. C-08-3186 EDL

DECLARATION OF JASON K.
SINGLETON IN SUPPORT OF MOTION
FOR SUMMARY JUDGMENT.

DATE: Tuesday, December 22, 2009
TIME: 2:00 p.m.
CRTM: E, 15th Floor
San Francisco

18
19 I, JASON K. SINGLETON , declare as follows:

20 1. I am an attorney duly licensed to practice in the United States District Court,
21 Northern District of California, and I am one of the attorneys of record for Plaintiff. I have
22 personal and firsthand knowledge of each fact hereinafter set forth and if called to testify could
23 and would competently testify to the matters set forth herein.

24 2. At the Case Management Conference held on September 1, 2009, the Court
25 ordered Defense Counsel, Thomas Cook, to submit the stipulation setting aside the default of
26 Defendant Kirk Whiting and file Defendants answer to the Complaint by September 2, 2009.

27 3. Mr. Cook emailed your Declarant his Stipulation to Set Aside Default, Joint Case
28 Management Statement, Stipulated Protective Order, and Answer. Your Declarant efiled the

1 joint documents with the Court. When the Answer did not get efiled by defense counsel, your
2 Declarant telephoned defense counsel on September 3, 2009, and advised him that he had to
3 efile the Answer.

4 4. Defendants Answer was ultimately efiled on September 9, 2009, (Doc. 51).

5 5. The Court also ordered at the Case Management Conference that Initial
6 Disclosures be served by September 15, 2009. Defendants Heckerson and Whiting have not
7 served Plaintiffs with initial disclosures of any kind.

8 6. Your Declarant sent written discovery to Defendant Heckerson, including
9 Request for Admissions, Demand for Inspection of Documents, and Interrogatories. True and
10 correct copies of said discovery requests are attached hereto as Exhibit "A." Responses were
11 due October 13, and 15th respectively. No Responses have been received. Your Declarant
12 sent both an email and a letter advising Defense counsel of the overdue discovery. No
13 response to this letter was forthcoming as well. True and correct copies of the letter and email
14 are attached hereto as Exhibit "B".

15 7. Your Declarant sent an email on September 4, 2009, and a letter dated
16 September 8, 2009, requesting Defense counsel to provide a date for Mr. Heckerson's
17 deposition. True and correct copies of the correspondence is attached hereto as Exhibit "C."

18 8. Your Declarant repeatedly requested of Defense counsel to provide an available
19 date to take Mr. Heckerson's deposition. Mr. Cook finally advised that Las Vegas would be the
20 appropriate location for the deposition, "but would get back to me regarding a date".
21 Subsequently, on September 24, 2009, Plaintiffs finally just went ahead and noticed Mr.
22 Heckerson's Deposition for November 13, 2009. On October 13, 2009, another email was
23 sent to defense counsel confirming, among other things, the deposition date of November 13,
24 2009, a true and correct copy of which is attached hereto as Exhibit "B." No response has
25 been received.

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1 I declare under penalty of perjury under the laws of the United States of America that
2 the foregoing is true and correct.

3 **SINGLETON LAW GROUP**

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5 Dated: October 27, 2009

/s/ Jason K. Singleton

Jason K. Singleton

Richard E. Grabowski, Attorneys for Plaintiffs,

6 **ASIS INTERNET SERVICES and JOEL**

7 **HOUSEHOLDER, dba KNEELAND**

8 **ENGINEERING, dba FOGGY.NET**